

**IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

BRAIDWOOD MANAGEMENT INC. et al. )  
)  
)

Plaintiffs, )

v. )

Civil Action No. 4:20-cv-00283-O

XAVIER BECERRA et al. )

Defendants. )  
)

---

**UNOPPOSED MOTION OF THE AMERICAN CANCER SOCIETY, AMERICAN  
CANCER SOCIETY CANCER ACTION NETWORK, AMERICAN KIDNEY FUND,  
AMERICAN LUNG ASSOCIATION, ARTHRITIS FOUNDATION, CANCERCARE,  
CANCER SUPPORT COMMUNITY, CYSTIC FIBROSIS FOUNDATION, EPILEPSY  
FOUNDATION, HEMOPHILIA FEDERATION OF AMERICA, LEUKEMIA AND  
LYMPHOMA SOCIETY, NATIONAL MINORITY QUALITY FORUM, NATIONAL  
MULTIPLE SCLEROSIS SOCIETY, NATIONAL PATIENT ADVOCATE  
FOUNDATION, THE AIDS INSTITUTE, AND WOMENHEART FOR LEAVE TO FILE  
BRIEF *AMICI CURIAE* IN SUPPORT OF DEFENDANTS' RESPONSE**

---

Movants, through undersigned counsel, and pursuant to Fed. R. Civ. P. 7 and Rule 7.2(b) of the local rules of this Court, move for leave to file the attached brief *amici curiae* in support of Defendants' Response.

Counsel for all parties have consented to this Motion and to the filing today of the attached brief *amici curiae*. This brief is being filed timely within seven days of Defendants' Response, the same amount of time allowed for an *amici curiae* brief under the Federal Rules of Appellate Procedure, Fed. R. App. P. 29(a)(6).

**UNOPPOSED MOTION OF THE AMERICAN CANCER SOCIETY, AMERICAN CANCER SOCIETY  
CANCER ACTION NETWORK, AMERICAN KIDNEY FUND, AMERICAN LUNG ASSOCIATION,  
ARTHRITIS FOUNDATION, CANCERCARE, CANCER SUPPORT COMMUNITY, CYSTIC FIBROSIS  
FOUNDATION, EPILEPSY FOUNDATION, HEMOPHILIA FEDERATION OF AMERICA, LEUKEMIA  
AND LYMPHOMA SOCIETY, NATIONAL MINORITY QUALITY FORUM, NATIONAL MULTIPLE  
SCLEROSIS SOCIETY, NATIONAL PATIENT ADVOCATE FOUNDATION, THE AIDS INSTITUTE,  
AND WOMENHEART FOR LEAVE TO FILE BRIEF *AMICI CURIAE* IN SUPPORT OF DEFENDANTS'  
RESPONSE**

**Page 1**

Movants The American Cancer Society (ACS), American Cancer Society Cancer Action Network (ACS CAN), American Kidney Fund, American Lung Association, Arthritis Foundation, CancerCare, Cancer Support Community, Cystic Fibrosis Foundation, Epilepsy Foundation, Hemophilia Federation of America, Leukemia and Lymphoma Society, National Minority Quality Forum, National Multiple Sclerosis Society, National Patient Advocate Foundation, The AIDS Institute, and WomenHeart are the largest and most prominent nonpartisan, nonprofit organizations representing the interests of patients, survivors, and families affected by the widespread chronic conditions of cancer, diabetes, heart disease, stroke, lung disease, and Multiple Sclerosis (MS), respectively. These conditions result in a significant portion of the nation's health care spending. Movants are exempt from federal income taxation under 26 U.S.C. §§ 501(c)(3), 501(c)(4).

**I. THE *AMICI CURIAE* BRIEF PROVIDES HELPFUL INFORMATION TO SUPPLEMENT DEFENDANTS' RESPONSE.**

Movants' *amici curiae* brief, submitted with this Motion, supports the position of the Defendants. However, movants provide additional information and context to supplement Defendants' Response that they believe will be relevant and helpful to the court in making its decision. The brief discusses the essential role of preventive services in managing chronic diseases, including scientific data linking availability of preventive screenings with improvement in patient outcomes and decreased costs associated with patient care.

**II. THE ACCEPTANCE OF BRIEFS *AMICUS CURIAE* HAS BEEN FOUND USEFUL IN CASES SUCH AS THIS.**

**UNOPPOSED MOTION OF THE AMERICAN CANCER SOCIETY, AMERICAN CANCER SOCIETY CANCER ACTION NETWORK, AMERICAN KIDNEY FUND, AMERICAN LUNG ASSOCIATION, ARTHRITIS FOUNDATION, CANCERCARE, CANCER SUPPORT COMMUNITY, CYSTIC FIBROSIS FOUNDATION, EPILEPSY FOUNDATION, HEMOPHILIA FEDERATION OF AMERICA, LEUKEMIA AND LYMPHOMA SOCIETY, NATIONAL MINORITY QUALITY FORUM, NATIONAL MULTIPLE SCLEROSIS SOCIETY, NATIONAL PATIENT ADVOCATE FOUNDATION, THE AIDS INSTITUTE, AND WOMENHEART FOR LEAVE TO FILE BRIEF AMICI CURIAE IN SUPPORT OF DEFENDANTS' RESPONSE**

District courts have broad discretion to accept *amicus* filings. See *Gudur v. Deloitte Consulting LLP*, 512 F. Supp. 2d 920, 927 (S.D. Tex. 2007). *Amicus* filings should be allowed when “the proffered information is timely and useful or otherwise necessary to the administration of justice.” *United States ex rel. Long v. GSD & M Idea City LLC*, 2014 WL 11321670, at \*4 (N.D. Tex. Aug. 8, 2014) (quoting *Does 1–7 v. Round Rock Indep. Sch. Dist.*, 540 F.Supp.2d 735, 738 n.2 (W.D.Tex.2007)). For the reasons stated above, particularly in bringing to the attention of the Court important principles and context surrounding the enactment of the ACA and the implications of its repeal, this *amici* brief will inform the Court’s effort to resolve the question before it.

Given the nationwide significance of this case, and its profound implications for all Americans, movants respectfully request leave to file the accompanying brief *amici curiae* in support of Defendants’ Response.

Respectfully submitted,

/s/ Beth Bivans Petronio

BETH BIVANS PETRONIO

Texas Bar No. 00797664

ADAM S. COOPER

Texas Bar No. 24105622

GRETCHEN P. MAHONEY

Texas Bar No. 24131481

K&L GATES LLP

1717 Main Street, Suite 2800

Dallas, Texas 75201

(214) 939-5500

Beth.Petronio@klgates.com

Adam.Cooper@klgates.com

Gretchen.Mahoney@klgates.com

**UNOPPOSED MOTION OF THE AMERICAN CANCER SOCIETY, AMERICAN CANCER SOCIETY  
CANCER ACTION NETWORK, AMERICAN KIDNEY FUND, AMERICAN LUNG ASSOCIATION,  
ARTHRITIS FOUNDATION, CANCERCARE, CANCER SUPPORT COMMUNITY, CYSTIC FIBROSIS  
FOUNDATION, EPILEPSY FOUNDATION, HEMOPHILIA FEDERATION OF AMERICA, LEUKEMIA  
AND LYMPHOMA SOCIETY, NATIONAL MINORITY QUALITY FORUM, NATIONAL MULTIPLE  
SCLEROSIS SOCIETY, NATIONAL PATIENT ADVOCATE FOUNDATION, THE AIDS INSTITUTE,  
AND WOMENHEART FOR LEAVE TO FILE BRIEF AMICI CURIAE IN SUPPORT OF DEFENDANTS’  
RESPONSE**

**Page 3**

JOHN LONGSTRETH  
K&L GATES LLP  
1601 K Street, N.W.  
Washington, DC 20006  
(202) 778-9000  
John.Longstreth@klgates.com

November 30, 2022

*Counsel for All Amici Curiae*

**UNOPPOSED MOTION OF THE AMERICAN CANCER SOCIETY, AMERICAN CANCER SOCIETY  
CANCER ACTION NETWORK, AMERICAN KIDNEY FUND, AMERICAN LUNG ASSOCIATION,  
ARTHRITIS FOUNDATION, CANCERCARE, CANCER SUPPORT COMMUNITY, CYSTIC FIBROSIS  
FOUNDATION, EPILEPSY FOUNDATION, HEMOPHILIA FEDERATION OF AMERICA, LEUKEMIA  
AND LYMPHOMA SOCIETY, NATIONAL MINORITY QUALITY FORUM, NATIONAL MULTIPLE  
SCLEROSIS SOCIETY, NATIONAL PATIENT ADVOCATE FOUNDATION, THE AIDS INSTITUTE,  
AND WOMENHEART FOR LEAVE TO FILE BRIEF AMICI CURIAE IN SUPPORT OF DEFENDANTS'  
RESPONSE**

**Page 4**

**CERTIFICATE OF CONFERENCE**

Pursuant to Local Rule 7.1(b) I certify that counsel for *Amici* conferred with counsel for Plaintiffs' and Defendants regarding timing and filing this motion and attached *amici curiae* brief. Counsel for Plaintiffs and Defendants did not object.

/s/ Beth Bivans Petronio

BETH BIVANS PETRONIO

**CERTIFICATE OF SERVICE**

Pursuant to Local Rule 5.1(d), I certify that all counsel of record who have appeared in this case received a copy of this document via the Court's CM/ECF system on November 30, 2022.

/s/ Beth Bivans Petronio

BETH BIVANS PETRONIO

UNOPPOSED MOTION OF THE AMERICAN CANCER SOCIETY, AMERICAN CANCER SOCIETY  
CANCER ACTION NETWORK, AMERICAN KIDNEY FUND, AMERICAN LUNG ASSOCIATION,  
ARTHRITIS FOUNDATION, CANCERCARE, CANCER SUPPORT COMMUNITY, CYSTIC FIBROSIS  
FOUNDATION, EPILEPSY FOUNDATION, HEMOPHILIA FEDERATION OF AMERICA, LEUKEMIA  
AND LYMPHOMA SOCIETY, NATIONAL MINORITY QUALITY FORUM, NATIONAL MULTIPLE  
SCLEROSIS SOCIETY, NATIONAL PATIENT ADVOCATE FOUNDATION, THE AIDS INSTITUTE,  
AND WOMENHEART FOR LEAVE TO FILE BRIEF AMICI CURIAE IN SUPPORT OF DEFENDANTS'  
RESPONSE

Page 5